

SENATE BILL 3242

By Tate

AN ACT to amend Tennessee Code Annotated, Title 62,
Chapter 11, relative to locksmiths.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-11-110, is amended by deleting the section in its entirety and by substituting instead the following:

Section 62-11-110.

(a) Any person, partnership, association or corporation who engages in or offers to engage in locksmithing services without a license, or who violates the terms and conditions of any licensure or license or renewal thereof granted by the commissioner pursuant to this chapter, shall be subject to a civil penalty of not less than two thousand five hundred dollars (\$2,500) nor more than seven thousand five hundred dollars (\$7,500) per occurrence.

(b) Any person, partnership, association or corporation who engages in or offers to engage in locksmithing services without a license as required by this chapter shall be ineligible to apply for a license until twelve (12) months after the violation occurred.

(c) In addition to revocation or suspension of license, a civil penalty of not more than seven thousand five hundred dollars (\$7,500), may be assessed by the commissioner against any person, partnership, association or corporation who violates any provision of this chapter, or any rule of the commissioner promulgated pursuant to this chapter.

(d) In determining the amount of any penalty, the commissioner shall consider the degree and extent of harm caused by the violation.

(e) Any person, partnership, association or corporation found to be in violation of this section shall refund to the customers any payments or deposits for which service has not been provided.

(f) Any person, partnership, association or corporation subject to this part who engages in locksmithing services without a license as required by this chapter shall, in any tort action arising out of such practice, be subject to the awarding of treble damages.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 11, Part 1, is amended by adding the following as new, appropriately designated sections:

Section 62-11-____. Any person, partnership, association or corporation who engages in or offers to engage in locksmithing services without a license as required by this chapter commits a Class B misdemeanor for each instance of such engagement or offer to engage.

Section 62-11-____. No person, partnership, association or corporation shall engage in, or hold themselves out as engaging in, the business of locksmithing in this state without first providing to the customers the toll free number for the locksmith complaint hotline, as established by the department.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.